

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

MARK ESTBERG,

Plaintiff

v.

THE PRUDENTIAL INSURANCE  
COMPANY OF AMERICA,

Defendant.

No. 2:21-cv-00348-RSM

STIPULATED MOTION FOR LEAVE TO  
FILE “ADMINISTRATIVE RECORD”  
UNDER SEAL AND ORDER

**NOTED FOR JUNE 7, 2021**

**I. Relief Requested**

The parties respectfully move the Court, pursuant to Federal Rule of Civil Procedure 5.2(d) and Local Civil Rule 5(g), to order that the “Administrative Record” in this matter – the defendant insurance company’s claim file – be filed under seal, without redactions.

**II. Relevant Facts and Legal Authority**

This action arises under the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. § 1001 *et seq.* The parties agree the Court will need to consider Defendant’s claim file to resolve the matter. Such files have come to be called the “Administrative Record” in ERISA

1 benefit cases. Here, that voluminous file is primarily medical records and other documents  
2 addressing Plaintiff's medical conditions.

3 Although Local Civil Rule 5(g) establishes a strong presumption in favor of public access  
4 to court filings, the need to protect medical privacy qualifies as a "compelling reason" to allow  
5 records to be filed under seal. *Karpenski v. Am. Gen. Life Companies, LLC*, No. 2:12-CV-  
6 01569-RSM, 2013 WL 5588312 at \*1 (W.D. Wash. Oct. 9, 2013) (citing *Kamakana v. City and*  
7 *County of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006)). See also *Macon v. United Parcel*  
8 *Serv., Inc.*, 2013 WL 951013, at \*5 (W.D. Wash. Mar. 12, 2013) (granting unopposed motion to  
9 seal medical records given the "private nature of the documents at issue"); *Gary v. Unum Life*  
10 *Ins. Co. of Am.*, No. 3:17-CV-01414-HZ, 2018 WL 1811470, at \*3 (D. Or. Apr. 17, 2018)  
11 (granting an opposed motion to seal an ERISA claim file, citing numerous cases and stating  
12 "[t]he parties have not presented, and the Court is not aware of, any cases where medical  
13 information was not allowed to be filed under seal under the 'compelling reasons' standard.").

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16 Local Civil Rule 5.2(c) states that "in an action for benefits under the Social Security  
17 Act" the "administrative record must be filed under seal" because those "actions are entitled to  
18 special treatment due to the prevalence of sensitive information and the volume of filings." *Id.*  
19 That reasoning applies to this action for ERISA disability benefits. Sensitive information  
20 concerning the Plaintiff is found throughout the claim file.

21  
22 As certified below, the parties discussed whether redaction would be a suitable  
23 alternative. Due to the volume of the record, and the extensive redaction that would be  
24 necessary, the parties believe redaction is not a reasonable alternative. Federal Rule of Civil  
25 Procedure 5(d) provides that the "court may order that a filing be made under seal without  
26 redaction" and the parties respectfully move the Court to so order here.  
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1 **ORDER**

2 IT IS SO ORDERED. The Court GRANTS the parties' stipulated motion and ORDERS  
3 that the administrative record in this action be filed and maintained under seal. Pursuant to  
4 Federal Rule of Civil Procedure 5(d), the record need not be redacted.  
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6 DATED this 8<sup>th</sup> day of June, 2021.  
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9 RICARDO S. MARTINEZ  
10 CHIEF UNITED STATES DISTRICT JUDGE  
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